



Signed: July 25, 2008

Leslie Tchaikovsky

LESLIE TCHAIKOVSKY
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
STEPHANIE DAVIS,

No. 08-42407 TG
Chapter 13
R.S. No. RJB 189

— Debtor.

MEMORANDUM RE MOTION FOR RELIEF FROM STAY

The motion of Mortgage Electronic Registration Systems, Inc. ("MERS") for relief from the automatic stay came on for hearing before the above-captioned Court on July 25, 2008 at 11:00 a.m. Appearances were stated on the record. The Court announced that it had some concerns, which it would set forth in writing, and continued the hearing to August 15, 2008 at 11:00 a.m. Those concerns are as follows:

The Court is informed that MERS has neither an equitable interest in the secured claims that form the basis for the motions it files in bankruptcy court nor any servicing obligations. The Court is informed that MERS simply provides the name in which the real

1 party in interest acts so that names need not be changed when the
2 underlying note changes hands.

3 In the instant case, the declaration is signed by an employee of
4 Countrywide Home Loans, Inc. ("Countrywide"), which is identified as
5 the loan servicer for MERS. The Court doubts that Countrywide is the
6 loan servicer for MERS or that MERS is the real party in interest.
7 The note and deed of trust, copies of which are attached to the
8 declaration, identify the lender as Countrywide Bank, FSB. No copies
9 of any assignments of the note and/or deed of trust are provided.
10 The Court may not grant a motion that is not filed in the name of the
11 real party in interest and has serious concerns about the filing of
12 false sworn statements.

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